

# Exhibit 2

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United States Attorney  
2 BRODIE M. BUTLAND  
Assistant United States Attorney  
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5 Attorneys for Defendant Adam Groff

7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 SYLVIA AHN,

10 Plaintiff,

11 v.

12 GEO GROUP, INC., et al.,

13 Defendants.  
14

CASE NO. 1:22-CV-00586-CDB

DECLARATION OF CONTRACTING OFFICER  
NATASHA NGUYEN

15 I, Natasha Nguyen, declare as follows:

16 1. I am a Contracting Officer (CO) with the Department of Homeland Security (DHS),  
17 Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAM). I have held  
18 this position since May 2021. I am based in Laguna Niguel, California.

19 2. As a Contracting Officer for ICE, I administer and manage procurement contracts for  
20 commercial products and services.

21 3. I am responsible for the contract which covers Mesa Verde ICE Processing Center  
22 (MVIPC), contract #70CDCR20D00000008, for detention and transportation services.

23 4. MVIPC is a federal detention facility. The GEO Group, Inc. (GEO) owns and operates  
24 MVIPC entirely, pursuant to a contract signed with ICE in 2019. ICE previously awarded a similar  
25 contract to GEO in 2015. ICE awarded GEO the contract based on consideration and balancing of the  
26 four “performance standards” of the Federal Acquisition Regulation (FAR) and the additional  
27 considerations for each of those four performance standards, all of which are enumerated in 48 C.F.R. §  
28

1 1.102-2. The contract incorporated twenty-eight attachments, which are all identified and described in  
2 the executed agreement. However, only one attachment—Attachment 19—is relevant to the Motion to  
3 Dismiss that the United States is filing in this matter. Attachment 19 sets forth the Performance Work  
4 Statement for all California-based detention centers including MVIPC, and it governs all aspects of the  
5 relationship between ICE and GEO. A true and accurate copy of the Contract and Attachment 19 are  
6 attached as Exhibits A and B to my Declaration.

7 5. During all relevant times and presently, ICE does not own MVIPC or the land on which  
8 MVIPC rests. ICE retains no rights under the Contract to manage MVIPC, supervise GEO's employees  
9 at MVIPC, or make any changes to MVIPC (such as new construction). ICE also does not operate  
10 MVIPC and has no involvement in or authority over MVIPC's day-to-day operations—GEO employees  
11 exclusively run MVIPC's operations. More specifically:

12 a. Under the Contract, GEO furnishes all equipment, supplies, and services. ICE does not  
13 supply any goods or services to MVIPC.

14 b. GEO employees alone are responsible for detainee safety and security, building and  
15 ground maintenance, sanitation, medical and health services, detainee housing or  
16 activities, detainee discipline, or any other aspects of MVIPC's day-to-day operations.

17 ICE has no responsibilities in these regards.

18 c. ICE does not supervise detainees or provide them with any food, resources, or medical  
19 treatment. GEO employees alone are responsible for providing food, resources, and  
20 medical treatment to detainees.

21 d. ICE does not conduct health assessments of detainees upon entry to MVIPC, nor does  
22 ICE recommend any courses of medical treatment, provide any medical treatment, or  
23 respond to medical emergencies of any detainees. All medical screenings (including  
24 arrival screening and infectious disease screening), assessments, and services are  
25 provided through a GEO-contracted medical service, and GEO employees alone decide  
26 how to best ensure that detainees receive all necessary and proper medical treatments and  
27 interventions.

- 1 e. GEO employees alone decide housing arrangements of detainees in all circumstances,  
2 including normal circumstances and in response to exigent circumstances.
- 3 f. No ICE employees supervise GEO employees or assist with running MVIPC.
- 4 6. The Contract reserves ICE's right to conduct various audits and inspections, but it does  
5 not provide any detailed specifics on how to perform those audits and inspections, nor does it detail how  
6 ICE is to handle any discovered non-compliances or any other federal inspectors. How to perform  
7 audits and inspections are left to the discretion of the auditors/inspectors, whether from ICE or another  
8 federal agency. Similarly, how to handle any discovered non-compliances is left to ICE's discretion.
- 9 7. After the COVID-19 pandemic began, ICE, in conjunction with the Center for Disease  
10 Control and Prevention (CDC), developed guidance and certain requirements for managing the COVID-  
11 19 pandemic in federal detention facilities.
- 12 a. On March 27, 2020, ICE issued a memorandum to all ICE-dedicated facility wardens and  
13 superintendents that provided guidance on COVID-19 management. The Memorandum  
14 referred to the CDC's interim guidelines for managing COVID-19 in correctional and  
15 detention facilities and the CDC's recommended steps for handling people exhibiting  
16 COVID-19 symptoms. A true and accurate copy of this Memorandum is attached as  
17 Exhibit C to my Declaration. The Memorandum also is publicly available on ICE's  
18 website at <https://www.ice.gov/doclib/coronavirus/attF.pdf>.
- 19 b. On April 10, 2020, ICE issued its COVID-19 Pandemic Response Requirements (PRR),  
20 which were developed in conjunction with the CDC. The PRR applied to all federal  
21 detention facilities (including privately owned and operated ones like MVIPC). The PRR  
22 created new mandatory requirements and recommendations relating to the COVID-19  
23 pandemic. The PRR supplemented pre-existing disease management requirements under  
24 the Performance-Based National Detention Standards (PBNDS) 2011, which GEO was  
25 and is required to follow under the Contract. A true and accurate copy of the PRR is  
26 attached as Exhibit D to my Declaration. The PRR also is publicly available on ICE's  
27 website at  
28

1 <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities->  
2 [v1.pdf](#).

3  
4 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
5 and correct to the best of my knowledge.

6  
7 Dated: June 15, 2023

NATASHA T  
NGUYEN

Digitally signed by  
NATASHA T NGUYEN  
Date: 2023.06.16 11:26:56  
-07'00'

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Natasha Nguyen  
Contracting Officer  
Office of Acquisition Management  
U.S. Immigration and Customs Enforcement

# Exhibit 2-A

<b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS</b> <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, &amp; 30</i>				1. REQUISITION NUMBER		PAGE OF 1 63	
2. CONTRACT NO. 70CDCR20D000000008		3. AWARD/ EFFECTIVE DATE		4. ORDER NUMBER		5. SOLICITATION NUMBER 70CDCR20R000000002	
						6. SOLICITATION ISSUE DATE 10/16/2019	
7. FOR SOLICITATION INFORMATION CALL		a. NAME [REDACTED]		b. TELEPHONE NUMBER (No collect calls) [REDACTED]		8. OFFER DUE DATE/LOCAL TIME ES	
9. ISSUED BY ICE/DCR ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street, NW Suite 930 WASHINGTON DC 20536				10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: % FOR: <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> EDWOSB <input type="checkbox"/> SMAI I BUSINESS PROGRAM <input type="checkbox"/> 8(A)      NAICS: SIZE STANDARD:			
11. DELIVERY FOR FOB DESTINA- TION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE		12. DISCOUNT TERMS Net 30		13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		13b. RATING	
15. DELIVER TO ICE Enforcement & Removal Immigration and Customs Enforcement 801 I Street, NW Suite 900 Washington DC 20536		16. ADMINISTERED BY ICE/DCR ICE/Detention Compliance & Removals Immigration and Customs Enforcement Office of Acquisition Management 801 I Street, NW Suite 930 WASHINGTON DC 20536		14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP			
17a. CONTRACTOR/ OFFEROR GEO GROUP INC THE ATTN AMBER MARTIN 4955 TECHNOLOGY WAY BOCA RATON FL 334313367  TELEPHONE NO. 5619997359		18a. PAYMENT WILL BE MADE BY DHS, ICE Burlington Finance Center P.O. Box 1620 Attn: ICE-ERO-FHQ-CAD Williston VT 05495-1620		17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM	
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	DUNS Number: 612706465 NAICS Code: 561612 PSC: S206  [REDACTED]  The purpose of this contract is to establish (Use Reverse and/or Attach Additional Sheets as Necessary)						
25. ACCOUNTING AND APPROPRIATION DATA See schedule						26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$1,582,221,743.77	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA <input checked="" type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA						<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED. <input checked="" type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.	
<input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 1 COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED.				<input type="checkbox"/> 29. AWARD OF CONTRACT: _____ OFFER DATED _____ YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:			
30a. SIGNATURE OF OFFEROR/CONTRACTOR  [Signature]				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER) ABEER T SALEH Digitally signed by ABEER T SALEH Date: 2019.12.19 21:19:37 -05'00'			
30b. NAME AND TITLE OF SIGNER (Type or print) Amber D. Martin, Executive Vice President		30c. DATE SIGNED 12/19/2019		31b. NAME OF CONTRACTING OFFICER (Type or print) ABEER SALEH		31c. DATE SIGNED	

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	<p>detention, transportation, and medical services at the Mesa Verde Detention Facility, Golden State Modified Community Correctional Facility, and Central Valley Modified Community Correctional Facility in accordance with the Performance Work Statement for this Contract (supplemented by Requirement C Addendum).</p> <p>All services shall be furnished in compliance with the following regulations/policies/standards:</p> <p>2011 Performance Based National Detention Standards (PBNDS 2011) as revised in DEC 2016 Prison Rape Elimination Act (PREA) standards for DHS detention facilities American Correctional Association (ACA) Standards National Commission on Correctional Health Care (NCCHC) Standards</p> <p>All IDIQ terms and conditions flow down to the Task Orders.</p> <p>Scope of work changes must be submitted in writing and approved by a warranted ICE Contracting Officer. Any work conducted outside the scope of the terms of this contract will be at the contractor's own risk.</p> <p>The following is a list of attachments hereby Continued ...</p>				

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED    ☐ INSPECTED    ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: \_\_\_\_\_

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE			32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
			32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT	37. CHECK NUMBER
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL			<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY		
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT			42a. RECEIVED BY ( <i>Print</i> )	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE	42b. RECEIVED AT ( <i>Location</i> )	
			42c. DATE REC'D (YY/MM/DD)	42d. TOTAL CONTAINERS



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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	incorporated into this Contract:  Attachment 1: G-391 Attachments Attachment 2: QASP Documents Attachment 3: IHSC National Formulary FY 2019 Attachment 4: IHSC Form 067 Request for approval of non-formulary medications Attachment 5: IHSC Minimum Staffing Requirements Standards Attachment 6: IHSC Intake Screening Form Attachment 7: IHSC Sample Clinical Practice Guidelines Attachment 8: IHSC electronic Quality Medical Care (QMC) Audit tool Attachment 9: IHSC electronic Quality Medical Care (QMC) Incident Report Attachment 10: Requirements Traceable Matrix (RTM) Attachment 11: ICE Firearms Policy Attachment 12: ICE Body Armor Policy Attachment 13: Lyons Settlement Agreement Attachment 14: Franco Settlement Agreement Attachment 15: Screening ICE Detainees Health Form Attachment 16: PWS Addendum 1 Attachment 17: Requirement C PWS Addendum Attachment 18: Section B Supplies or Services and Price Costs Attachment 19: Section C Performance Work Statement Dated 10-25-2019 Attachment 20: Contract Clauses Attachment 21: Section K completed by Offeror Attachment 22: Contractor's Proposal dated 12/19/2019 Attachment 23: ICE Design Standards for CDFs Attachment 24: Executive Office for Immigration Review (EOIR) Design Standards Attachment 25: Structure Cable Plant Standards Attachment 26: Health Design Standards Attachment 27: IHSC Design Standards Supplement Attachment 28: Wage Determination No. 2015-5603 Rev. 10 Date: 08/02/2019  Funding will be provided at the Task Order level.  Pursuant to FAR 52.216-22(b), the maximum amount of services the Contractor shall furnish under this IDIQ is \$1,582,221,743.77, and the minimum Continued ...				

## CONTINUATION SHEET

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4 63NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	amount of services the Government shall order under this IDIQ is \$1,000,000.00.  If a DOL Wage Determination or CBA incorporation results in an increase to employee wages that is above the annual escalation already noted in the contract, the vendor must submit a request for equitable adjustment and provide sufficient documentation to the CO's satisfaction. No additional contractor employee wage adjustments will be paid by ICE if those increased wage amounts falls within/is less than the annual percentage escalation built into the CLIN.  The Contractor shall not be entitled to a guaranteed minimum on any CLIN for any day unless the Contractor has made the number of beds that constitute that guaranteed minimum available to ICE on such day.  The ultimate completion date of this IDIQ is 12/19/2034 if all options are exercised. Thus, the total duration of this IDIQ is from 12/20/2019 to 12/19/2034. Period of Performance: 12/20/2019 to 12/19/2034				
0001	Golden State Pre-Transition/Mobilization  POP: 12/20/2019 - 06/19/2020  Monthly Amount: \$50,000.00 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				300,000.00
0001A	Golden State Transition  POP: 06/20/2020 - 08/19/2020  Monthly Amount: \$100,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD  Continued ...				200,000.00

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5 63NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0002	Central Valley Pre-Transition/Mobilization  POP: 12/20/2019-06/19/2020  Monthly Amount: \$50,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				300,000.00
0002A	Central Valley Transition  POP: 06/20/2020-08/19/2020  Monthly Amount: \$100,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				200,000.00
0003	Mesa Verde Detention Services Guaranteed Minimum (1 to 320 beds)  Periods of Performance and Rate: 12/20/2019 to 12/19/2020 (117,120 Beds) Rate: \$163.38 12/20/2020 to 12/19/2021 (116,800 Beds) Rate: \$165.68 12/20/2021 to 12/19/2022 (116,800 Beds) Rate: \$168.05 12/20/2022 to 12/19/2023 (116,800 Beds) Rate: \$170.51 12/20/2023 to 12/19/2024 (117,120 Beds) Rate: \$173.16 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				98,311,078.57
0003A	Golden State Bed Detention Services Guaranteed Minimum (1-560 beds)  Period of Performance and Rates as follows: 08/20/2020-12/19/2020 (68,320 Beds) \$157.00 12/20/2020-12/19/2021 (204,400 Beds) \$158.57 Continued ...				142,606,968.00

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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0003B	12/20/2021-12/19/2022 (204,400 Beds) \$160.27 12/20/2022-12/19/2023 (204,400 Beds) \$162.02 12/20/2023-12/19/2024 (204,960 Beds) \$163.90 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD  Central Valley Detention Services Guaranteed Minimum (1-560 beds)  Period of Performance and Rates as follows: 08/20/2020-12/19/2020 (68,320 Beds) \$157.00 12/20/2020-12/19/2021 (204,400 Beds) \$158.57 12/20/2021-12/19/2022 (204,400 Beds) \$160.27 12/20/2022-12/19/2023 (204,400 Beds) \$162.02 12/20/2023-12/19/2024 (204,960 Beds) \$163.90 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				142,606,968.00
0004	Mesa Verde Detention Services Above Guaranteed Minimum (321-400 beds)  Periods of Performance and Rates: 12/20/2019 to 12/19/2020 (29,280 Beds) Rate: \$58.00 12/20/2020 to 12/19/2021 (29,200 Beds) Rate: \$58.82 12/20/2021 to 12/19/2022 (29,200 Beds) Rate: \$59.66 12/20/2022 to 12/19/2023 (29,200 Beds) Rate: \$60.53 12/20/2023 to 12/19/2024 (29,280 Beds) Rate: \$61.47 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				8,725,173.60
0004A	Golden State Detention Services Above Guaranteed Minimum Rate (561-700 beds)  Periods of Performance and Rates as follows: Continued ...				16,349,530.40

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NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0004B	<p>08/20/2020-12/19/2020 (17,080 Beds) \$72.00 12/20/2020-12/19/2021 (51,100 Beds) \$72.72 12/20/2021-12/19/2022 (51,100 Beds) \$73.50 12/20/2022-12/19/2023 (51,100 Beds) \$74.30 12/20/2023-12/19/2024 (51,240 Beds) \$75.16 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Central Valley Detention Services Above Guaranteed Minimum Rate (561 to 700 beds)</p> <p>Periods of Performance and Rates as follows: 08/20/2020-12/19/2020 (17,080 Beds) \$72.00 12/20/2020-12/19/2021 (51,000 Beds) \$72.72 12/20/2021-12/19/2022 (51,100 Beds) \$73.50 12/20/2022-12/19/2023 (51,100 Beds) \$74.30 12/20/2023-12/19/2024 (51,240 Beds) \$75.16 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p>				16,349,530.40
0005	<p>Mesa Verde On Call Stationary/Transportation Guards</p> <p>Hourly Rate: \$77.89</p> <p>NTE Amount: 100,000 hours per year Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p>				7,789,000.00
0005A	<p>Golden State On Call Stationary/Transportation Guards</p> <p>Hourly Rate: \$77.89</p> <p>NTE Amount: 100,000 hours per year Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Continued ...</p>				7,789,000.00

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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0005B	Central Valley On Call Stationary/Transportation Guards  Hourly Rate: \$77.89  NTE Amount: 100,000 hours per year Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				7,789,000.00
0006	Mesa Verde Detainee Work Program Rate: \$1.00 Per Day per Detainee (If applicable)  NTE: 250,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				250,000.00
0006A	Golden State Detainee Work Program Rate: \$1.00 per day per detainee  NTE: \$250,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				250,000.00
0006B	Central Valley Detainee Work Program Rate: \$1.00 per day per detainee  NTE: \$250,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				250,000.00
0007	Mesa Verde Surge/Facility Upgrades  *No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order. Continued ...				5,000,000.00

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NAME OF OFFEROR OR CONTRACTOR
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
0007A	<p>NTE: \$5,000,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Golden State Surge/Facility Upgrades</p> <p>*No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order.</p>				5,000,000.00
0007B	<p>NTE: \$5,000,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Central Valley Surge/Facility Upgrades</p> <p>*No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order.</p>				5,000,000.00
1001	<p>NTE: \$5,000,000 Obligated Amount: \$0.00 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Mesa Verde Detention Services</p> <p>Guaranteed Minimum (1 to 320 Beds)</p> <p>POP and Bed Day Rates:</p> <p>12/20/2024 to 12/19/2025 (116,800 Beds) Rate: \$175.65 12/20/2025 to 12/19/2026 (116,800 Beds) Rate: \$178.35 12/20/2026 to 12/19/2027 (116,800 Beds) Rate: \$181.14 Continued ...</p>				0.00

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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	12/20/2027 to 12/19/2028 (117,120 Beds) Rate: \$184.16 12/20/2028 to 12/19/2029 (116,800 Beds) Rate: \$187.00 Amount: \$105,914,771.20 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
1001A	Golden State Detention Services  Guaranteed Minimum (1 to 560 Beds)  POP and Bed Day Rates:  12/20/2024 to 12/19/2025 (204,400 Beds) Rate: \$165.68 12/20/2025 to 12/19/2026 (204,400 Beds) Rate: \$167.60 12/20/2026 to 12/19/2027 (204,400 Beds) Rate: \$169.59 12/20/2027 to 12/19/2028 (204,960 Beds) Rate: \$171.73 12/20/2028 to 12/19/2029 (204,400 Beds) Rate: \$173.75 Amount: \$173,498,908.80 (Option Line Item) 12/19/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1001B	Central Valley Detention Services  Guaranteed Minimum (1 to 560 Beds)  POP and Bed Day Rates:  12/20/2024 to 12/19/2025 (204,400 Beds) Rate: \$165.68 12/20/2025 to 12/19/2026 (204,400 Beds) Rate: \$167.60 12/20/2026 to 12/19/2027 (204,400 Beds) Rate: \$169.59 12/20/2027 to 12/19/2028 (204,960 Beds) Rate: \$171.73 12/20/2028 to 12/19/2029 (204,400 Beds) Rate: Continued ...				0.00



NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	\$173.75 Amount: \$173,498,908.80 (Option Line Item) 12/19/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
1002	Mesa Verde Detention Services Above Guaranteed Minimum Rate (321-400 beds)  12/20/2024 to 12/19/2025 (29,200 Beds) \$62.35 12/20/2025 to 12/19/2026 (29,200 Beds) \$63.31 12/20/2026 to 12/19/2027 (29,200 Beds) \$64.30 12/20/2027 to 12/19/2028 (29,280 Beds) \$65.37 12/20/2028 to 12/19/2029 (29,200 Beds) \$66.38 Amount: \$9,399,161.60 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1002A	Golden State Detention Services Above Guaranteed Minimum Rate (561-700 beds)  12/20/2024 to 12/19/2025 (51,100 Beds) \$75.98 12/20/2025 to 12/19/2026 (51,100 Beds) \$76.86 12/20/2026 to 12/19/2027 (51,100 Beds) \$77.77 12/20/2027 to 12/19/2028 (51,240 Beds) \$78.75 12/20/2028 to 12/19/2029 (51,100 Beds) \$79.68 Amount: \$19,890,969.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1002B	Central Valley Detention Services Above Guaranteed Minimum Rate (561-700 beds)  12/20/2024 to 12/19/2025 (51,100 Beds) \$75.98 12/20/2025 to 12/19/2026 (51,100 Beds) \$76.86 12/20/2026 to 12/19/2027 (51,100 Beds) \$77.77 12/20/2027 to 12/19/2028 (51,240 Beds) \$78.75 12/20/2028 to 12/19/2029 (51,100 Beds) \$79.68 Amount: \$19,890,969.00 (Option Line Item) Continued ...				0.00

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
1003	Mesa Verde On-Call Stationary/Transportation Guard Hours  Hourly Rate \$77.89  NTE: 100,000 hours per year Amount: \$7,789,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1003A	Golden State On-Call Stationary/Transportation Guard Hours  Hourly Rate \$77.89  NTE: 100,000 hours per year Amount: \$7,789,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1003B	Central Valley On-Call Stationary/Transportation Guard Hours  Hourly Rate \$77.89  NTE: 100,000 hours per year Amount: \$7,789,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1004	Mesa Verde Detainee Work Program Rate: \$1.00 Per Day Per Detainee  Continued ...				0.00

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
	70CDCR20D00000008	13	63

NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
1004A	Golden State Detainee Work Program Rate: \$1.00 Per Day Per Detainee  NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1004B	Central Valley Detainee Work Program Rate: \$1.00 Per Day Per Detainee  NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1005	Mesa Verde Surge/Facility Upgrades* NTE: \$5,000,000  *No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order. Amount: \$5,000,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
1005A	Golden State Surge/Facility Upgrades* NTE: \$5,000,000  *No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Continued ...				0.00

NAME OF OFFEROR OR CONTRACTOR  
 GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Contracting Officer via a contract modification and funding obligated via task order. Amount: \$5,000,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
1005B	Central Valley Surge/Facility Upgrades* NTE: \$5,000,000  *No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order. Amount: \$5,000,000.00 (Option Line Item) 12/20/2024 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2001	Mesa Verde Detention Services Guaranteed Minimum (1 to 320 Beds)  12/20/2029 to 12/19/2030 (116,800 Beds) \$190.08 12/20/2030 to 12/19/2031 (116,800 Beds) \$193.25 12/20/2031 to 12/19/2032 (117,120 Beds) \$196.69 12/20/2032 to 12/19/2033 (116,800 Beds) \$199.92 12/20/2033 to 12/19/2034 (116,800 Beds) \$203.41 Amount: \$114,918,220.80 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2001A	Golden State Detention Services Guaranteed Minimum (1 to 560 Beds)  12/20/2029 to 12/19/2030 (204,400 Beds) \$175.93 12/20/2030 to 12/19/2031 (204,400 Beds) \$178.19 12/20/2031 to 12/19/2032 (204,960 Beds) \$180.62 12/20/2032 to 12/19/2033 (204,400 Beds) \$182.91 12/20/2033 to 12/19/2034 (204,400 Beds) \$185.39 Amount: \$184,682,523.20 (Option Line Item) Continued ...				0.00

# CONTINUATION SHEET

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NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
2001B	12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD  Central Valley Detention Services Guaranteed Minimum (1 to 560 Beds)  12/20/2029 to 12/19/2030 (204,400 Beds) \$175.93 12/20/2030 to 12/19/2031 (204,400 Beds) \$178.19 12/20/2031 to 12/19/2032 (204,960 Beds) \$180.62 12/20/2032 to 12/19/2033 (204,400 Beds) \$182.91 12/20/2033 to 12/19/2034 (204,400 Beds) \$185.39 Amount: \$184,682,523.20 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2002	Mesa Verde Detention Services Above Guaranteed Minimum Rate (321-400 beds)  12/20/2029 to 12/19/2030 (29,200 Beds) \$67.47 12/20/2030 to 12/19/2031 (29,200 Beds) \$68.59 12/20/2031 to 12/19/2032 (29,280 Beds) \$69.81 12/20/2032 to 12/19/2033 (29,200 Beds) \$70.96 12/20/2033 to 12/19/2034 (29,200 Beds) \$72.20  Amount: \$10,197,260.80 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2002A	Golden State Detention Services Above Guaranteed Minimum Rate (561-700 beds)  12/20/2029 to 12/19/2030 (51,100 Beds) \$80.68 12/20/2030 to 12/19/2031 (51,100 Beds) \$81.72 12/20/2031 to 12/19/2032 (51,240 Beds) \$82.83 12/20/2032 to 12/19/2033 (51,100 Beds) \$83.88 12/20/2033 to 12/19/2034 (51,100 Beds) \$85.02 Amount: \$21,173,639.20 (Option Line Item) Continued ...				0.00

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
2002B	12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
	Central Valley Detention Bed Day Rate Above Guaranteed Minimum Rate (561-700 beds)				0.00
	12/20/2029 to 12/19/2030 (51,100 Beds) \$80.68				
	12/20/2030 to 12/19/2031 (51,100 Beds) \$81.72				
	12/20/2031 to 12/19/2032 (51,240 Beds) \$82.83				
2003	12/20/2032 to 12/19/2033 (51,100 Beds) \$83.88				
	12/20/2033 to 12/19/2034 (51,100 Beds) \$85.02				
	Amount: \$21,173,639.20 (Option Line Item)				
	12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
	Mesa Verde On-Call Stationary / Transportation Guard Hours				0.00
2003A	Hourly Rate: \$77.89 per hour				
	NTE: 100,000 hours				
	Amount: \$7,789,000.00 (Option Line Item)				
	12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
	Golden State On-Call Stationary / Transportation Guard Hours				0.00
2003B	Hourly Rate: \$77.89				
	NTE: 100,000 hours per year				
	Amount: \$7,789,000.00 (Option Line Item)				
	12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
	Central Valley On-Call Stationary / Transportation Guard Hours				0.00
	Continued ...				

## CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
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17 63NAME OF OFFEROR OR CONTRACTOR  
GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Hourly Rate: \$77.89 per hour  NTE: 100,000 hours per year Amount: \$7,789,000.00 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				
2004	Mesa Verde Detainee Work Program Rate: \$1.00 Per Day Per Detainee  NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2004A	Golden State Detainee Work Program Rate: \$1.00 Per Day Per Detainee  NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2004B	Central Valley Detainee Work Program Rate: \$1.00 Per Day Per Detainee  NTE: 250,000 days Amount: \$250,000.00 (Option Line Item) 12/20/2029 Product/Service Code: S206 Product/Service Description: HOUSEKEEPING- GUARD				0.00
2005	Mesa Verde Surge/Facility Upgrades*  *No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order.  Continued ...				0.00

<b>CONTINUATION SHEET</b>	REFERENCE NO. OF DOCUMENT BEING CONTINUED	PAGE	OF
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NAME OF OFFEROR OR CONTRACTOR

GEO GROUP INC THE

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>NTE: \$5,000,000  Amount: \$5,000,000.00 (Option Line Item)  12/20/2029  Product/Service Code: S206  Product/Service Description: HOUSEKEEPING- GUARD</p>				
2005A	<p>Golden State Surge/Facility Upgrades*</p> <p>*No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order.</p> <p>NTE: \$5,000,000  Amount: \$5,000,000.00 (Option Line Item)  12/20/2029  Product/Service Code: S206  Product/Service Description: HOUSEKEEPING- GUARD</p>				0.00
2005B	<p>Central Valley Surge/Facility Upgrades*</p> <p>*No facility modifications or other work planned under this CLIN may be initiated without a negotiated proposal and with approval by the Contracting Officer via a contract modification and funding obligated via task order.</p> <p>NTE: \$5,000,000  Amount: \$5,000,000.00 (Option Line Item)  12/20/2029  Product/Service Code: S206  Product/Service Description: HOUSEKEEPING- GUARD</p> <p>Invoice Instructions for ICE - ERO Contracts: See Section G of the Contract Clauses for Instructions.</p> <p>The obligated amount of award: \$0.00. The total for this award is shown in box 26.</p>				0.00



Placeholder for  
Exhibit 2-B  
*(Request to Seal  
Pending)*

# Exhibit 2-C




**U.S. Immigration  
and Customs  
Enforcement**

March 27, 2020

MEMORANDUM FOR: Detention Wardens and Superintendents

THROUGH: Field Office Directors

FROM: Enrique M. Lucero   
Executive Associate Director  
Enforcement and Removal Operations

SUBJECT: Memorandum on Coronavirus Disease 2019 (COVID-19)  
Action Plan, Revision 1

Background:

U.S. Immigration and Customs Enforcement (ICE) continues to monitor the spread of Coronavirus Disease 2019 (COVID-19) and to work in conjunction with select U.S. Department of Homeland Security (DHS) Component leadership and the Acting Secretary to implement a mitigation strategy.

To ensure a unified and preventative response, the ICE Enforcement and Removal Operations (ERO), ICE Health Service Corps (IHSC), Custody Management Division, and Field Operations are providing the following guidance. The combination of a dense and highly transient detained population presents unique challenges for ICE efforts to mitigate the risk of infection and transmission. Consequently, these measures were developed to reduce exposure to COVID-19, protect the detained population, and optimize employee health and availability for duty.

This memorandum only applies to IHSC-staffed and non-IHSC-staffed, ICE-dedicated facilities. For intergovernmental partners and non-dedicated facilities, ICE defers to local, state, tribal, territorial, and federal public health policies and authorities, including adherence with state laws on communicable disease reporting, but recommends actions contained in this memorandum be considered as best practices. Questions and concerns related to the following Action Plan can be addressed to: [ICE\\_ERO\\_CMD@ice.dhs.gov](mailto:ICE_ERO_CMD@ice.dhs.gov).

Please see the recently-issued Centers for Disease Control and Prevention (CDC) [Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities](#) for additional information.

Action Plan:

**STAFF HIRING:** Wardens and facility staff should continue to meet any personnel staffing plan and staffing criteria outlined in the Performance Work Statement (PWS) and terms and conditions of their negotiated contract or agreement for medical staff and guard services. Facilities are expected to be appropriately staffed to meet established work schedules, rest periods, and to ensure the delivery of detainee medical and mental health care as it relates to the continually evolving impact of COVID-19.

**LOGISTICS:** Wardens and Facility Administrators should assess their inventories of food, medicine, cleaning supplies, personal protective equipment (PPE), and facility operational practices, and consistently maintain services and supplies to assure the safety, security, health, and well-being of ICE detainees. Facilities should have updated pandemic plans and policies as well as established quarantine and/or isolation areas within their facilities in the event they are needed. Alcohol-based hand sanitizer with at least 60 percent alcohol should be available in visitor entrances, exits, and waiting areas. In addition, alcohol-based hand sanitizer should be made available to staff and detainees in the secure setting to the maximum extent possible.

**SOCIAL VISITATION/TELEPHONIC COMMUNICATION:** As of March 13, 2020, social visits to/with ICE detainees at all detention facilities are suspended until further notice in order to mitigate the potential introduction of COVID-19 into the facilities. ICE recognizes the considerable impact of suspending personal visitation, and requests maximizing detainee use of teleconferencing, video visitation (e.g., Skype, FaceTime), email, and/or tablets, with extended hours where possible.

Detention facilities should make a timely effort to identify indigence in the detainee population. A detainee is considered “indigent” if he/she has less than \$15.00 in his/her account for ten days. These detainees must be afforded the same telephone access and related privileges as other detainees. Each facility must ensure all detainees are able to make calls to the ICE-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party, and that indigent detainees may request a call to immediate family or others in personal or family emergencies or on an as-needed basis to maintain community ties.

**LEGAL VISITS:** Detainee access to legal representatives remains a paramount requirement and should be accommodated to the maximum extent practicable. Legal visitation must continue unless determined to pose a risk to the safety and security of the facility.

Non-contact legal visitation (e.g., Skype or teleconference) should be offered first to limit exposure to ICE detainees, but in person contact should be permitted if determined essential by the legal representative. Prior to the in-person visit, the legal representative must undergo the same screening required for staff entry into the facility. The ultimate legal visit approving authority lies with the Warden or Facility Administrator; however, the facility should notify its local Field Office Director as soon as possible of any denied legal visits.

**LEGAL RIGHTS GROUP PRESENTATIONS:** Government-sponsored Legal Orientation Programs (LOPs), carried out by the Department of Justice Executive Office for Immigration Review (EOIR) and authorized by congressional appropriations, currently operate at a limited



number of detention sites, and may continue to conduct detainee presentations. No more than four LOP presenters may be allowed in the facility at any time and must undergo the same screening required for staff entry into the facility. Non-LOP legal rights group presentations offered by volunteers are suspended until further notice.

**STAFF-DETAINEE COMMUNICATION VISITS:** Field Office Directors should remain aware that detainees may experience increased feelings of fear and confusion during this time. Regular communication with staff is particularly important. Detainees should have frequent opportunities for informal contact with facility managerial and supervisory staff and with ERO field office staff.

Field Office Directors should monitor both facility staff and ERO officers to ensure they continue to interact with detainees. ICE staff-detainee communication may be conducted in-person (with appropriate risk reduction protocols to protect ERO officers, detainees, and facility staff) or through non-contact visitation using videoconferencing, phone calls, e-mail, or other communication services.

**CONTRACTORS:** Contractors performing essential services or maintenance on essential systems in ICE detention facilities must continue to be provided facility access and must undergo the same screening required for staff entry into the facility. Examples of essential services include medical and mental health services, telephone access, cleaning, laundry, waste disposal, and critical infrastructure repairs.

Facility annual inspections by the ICE inspections contractor, The Nakamoto Group, are suspended for 30 days from the issuance date of this memorandum.

**VOLUNTEERS:** Volunteer visits to ICE detention facilities are suspended until further notice unless approved by the Assistant Directors for Field Operations and Custody Management. The only exception is the facility Chaplain, who may continue to offer availability for individual and group pastoral care but must undergo the same screening required for staff entry into the facility. Other volunteers, contractors, and community groups that augment and enhance the religious program are suspended until further notice to reduce the risk of possible transmission of COVID-19 to detainees.

**TOURS:** Facility tours are suspended until further notice, excluding Members of Congress, Congressional Member Delegations (CODELs), and Congressional Staff Delegations (STAFFDELS) who will not be prevented from accessing facilities for the purpose of conducting oversight. To safeguard visitors, detainees, ICE and facility staff, congressional visitors may be subject to special screening procedures congruent with staff facility entry screening. Congressional visitors should be advised of standard hygiene practices to help prevent the spread of disease (i.e., washing hands, avoiding close contact) and should be made aware of available hand washing stations within the facility.

**STAFF TRAINING:** All ERO in-person staff training related to the ICE detention standards or facility compliance is suspended until further notice, including conferences, Contracting Officer Representative (COR) training, and Field Office Compliance Training. Wardens and Facility Administrators will determine the training schedule for facility staff. All staff licenses and certifications shall be maintained.

**SCREENING OF FACILITY STAFF:** Enhanced health screening of both ICE and facility staff should be implemented by ICE detention facilities in geographic areas with “sustained community transmission.” These geographical areas are determined by the CDC and information is available at:

<https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>. Health screening includes self-reporting symptoms associated with COVID-19 infection and a temperature check.

Wardens and Facility Administrators in those geographical areas should collaborate with their Health Services Administrator to designate a trained staff member available on all shifts to conduct verbal screening and record temperature checks. It is not required that the trained staff member be medical personnel; however, the staff member must have documented training and protect the privacy of those being screened.

Verbal screening for symptoms of COVID-19 and contact with COVID-19 cases should include the following questions based on [Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities](#):

- Today or in the past 24 hours, have you had any of the following symptoms?
  - Fever, felt feverish, or had chills?
  - Cough?
  - Difficulty breathing?
- In the past 14 days, have you had contact with a person known to be infected with COVID-19 where you were not wearing the recommended proper personal protective equipment (PPE)?

The following is a protocol to safely check an individual’s temperature:

- Perform hand hygiene.
- Put on a face mask, eye protection (goggles or disposable face shield that fully covers the front and sides of the face), gowns/coveralls, and a single pair of disposable gloves.
- Check the individual’s temperature.
- If performing a temperature check on multiple individuals, ensure that a clean pair of gloves is used for each individual and that the thermometer has been thoroughly cleaned in between each check.
- If disposable or non-contact thermometers are used and the screener did not have physical contact with an individual, gloves do not need to be changed before the next check. If non-contact thermometers are used, they should be cleaned routinely as recommended by CDC for infection control.
- Remove and discard PPE.
- Perform hand hygiene.

Staff who do not clear the screening process, or refuse the enhanced health screening must be denied entry and advised to follow [CDC-recommended steps for persons who are sick with COVID-19 symptoms](#).

If PPE supply is limited, consider other PPE strategies based on [CDC Guidance | Strategies for Optimizing the Supply of PPE](#).



If staff register a temperature greater than or equal to 100.4 degrees (Fahrenheit), they should be denied entry to the facility and placed on leave per the employer's administrative policies.

**DETAINEE SCREENING:** IHSC developed guidance for IHSC-staffed facilities to assist in the risk assessment and management of detained individuals with potential exposure to COVID-19, and guidance was disseminated to non IHSC-staffed ICE detention facilities for potential adoption of this guidance at their respective sites. This guidance addresses intake medical screenings, monitoring, encounters, laboratory testing, and public health actions. The CDC remains the authoritative source for information on how to protect individuals and reduce exposure to COVID-19. ICE continues to encourage facilities to follow CDC guidelines and those of their state and local health departments for non IHSC-staffed ICE detention facilities.

ICE requests that Wardens and Facility Administrators ensure ICE detainees are provided guidance and education in a language that they fully comprehend regarding basic hygiene and measures to maintain health. Links for detainee/patient education resources, in a variety of languages, are maintained in the IHSC guidance and information on the CDC website.

**MODIFIED OPERATIONS:** Wardens and Facility Administrators should implement modified operations to maximize social distancing in facilities, as much as practicable. For example, Wardens and Facility Administrators should consider staggered mealtimes and recreation times in order to limit congregate gatherings. All community service projects are suspended until further notice.

**CONSIDERATIONS FOR DETAINEE RELEASE:** Upon notification of a detainee's pending release, a qualified health care provider will conduct a temperature screening:

- Temperature checks will be completed no more than 12 hours prior to facility departure and documented in the detainee medical record and transfer summary.
- Temperature checks must be completed and documented prior to providing ICE with transfer summary documents.

When considering the release of detainees into the United States with confirmed or suspected COVID-19, the following must be addressed for detainees exposed to an individual with confirmed or suspected COVID-19 or detainees under monitoring for having epidemiologic risk of exposure to COVID-19:

- If the detainee will be released prior to completion of the recommended medical isolation, cohorting, or monitoring period, the state or local health department in the facility jurisdiction should be notified of the detainee's release:
  - The health department should be provided with the detainee's name, intended address, email address, and all available telephone numbers.
- Facilitate safe transport, continued shelter, and medical care, as part of release planning:
  - Provide information regarding any potential community resources to promote continuity of care.
  - Attempt to facilitate transportation coordination through a family or friend.

- Advise the detainee to avoid public transportation, commercial ride sharing (e.g., Uber, Lyft), and taxis.
- Provide the detainee the CDC's [\*What To Do if You Are Sick\*](#) fact sheet.

If this guidance creates any contractual issues, please contact your respective Contracting Officer Representative.



# Exhibit 2-D



# ERO

## **U.S. Immigration and Customs Enforcement Enforcement and Removal Operations**

### **COVID-19 Pandemic Response Requirements**



**U.S. Immigration  
and Customs  
Enforcement**

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## PURPOSE AND SCOPE

The U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Coronavirus Disease 2019 (COVID-19) Pandemic Response Requirements (PRR) sets forth expectations and assists ICE detention facility operators to sustain detention operations, while mitigating risk to the safety and well-being of detainees, staff, contractors, visitors, and stakeholders due to COVID-19. Consistent with ICE's overall adjustments to its immigration enforcement posture,<sup>1</sup> the ERO PRR builds upon previously issued guidance and sets forth specific mandatory requirements expected to be adopted by all detention facilities housing ICE detainees, as well as best practices for such facilities, to ensure that detainees are appropriately housed and that available mitigation measures are implemented during this unprecedented public health crisis. The ERO PRR has been developed in consultation with the Centers for Disease Control and Prevention (CDC) and is a dynamic document that will be updated as additional/revised information and best practices become available.

## INTRODUCTION

As the CDC has explained:

COVID-19 is a communicable disease caused by a novel (new) coronavirus, SARS-CoV-2, that was first identified as the cause of an outbreak of respiratory illness that began in Wuhan Hubei Province, People's Republic of China (China).

COVID-19 appears to spread easily and sustainably within communities. The virus is thought to transfer primarily by person-to-person contact through respiratory droplets produced when an infected person coughs or sneezes; it may transfer through contact with surfaces or objects contaminated with these droplets. There is also evidence of asymptomatic transmission, in which an individual infected with COVID-19 is capable of spreading the virus to others before exhibiting symptoms. The ease of transmission presents a risk of a surge in hospitalizations for COVID-19, which would reduce available hospital capacity. Such a surge has been identified as a likely contributing factor to the high mortality rate for COVID-19 cases in Italy and China.

Symptoms include fever, cough, and shortness of breath, and typically appear 2-14 days after exposure. Manifestations of severe disease include severe pneumonia, acute respiratory distress syndrome (ARDS), septic shock, and multi-organ failure. According to the [World Health Organization], approximately 3.4% of reported COVID-19 cases have resulted in death globally. This mortality rate is higher among older adults or those with compromised immune systems. Older adults and people who have severe chronic medical conditions like heart, lung or kidney disease are also at higher risk for more serious COVID-19 illness. Early data suggest older people are twice as likely to have serious COVID-19 illness.

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<sup>1</sup> See, e.g., Attachment A, U.S. Immigration and Customs Enforcement, *Updated ICE statement on COVID-19* (Mar. 18, 2020), <https://www.ice.gov/news/releases/updated-ice-statement-covid-19>.

Notice of Order Under Sections 362 and 365 of the Public Health Service Act Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists, 85 Fed. Reg. 17060 (Mar. 26, 2020) (internal citations omitted).

Given the seriousness and pervasiveness of COVID-19, ICE is taking necessary and prompt measures in response. ICE is providing guidance on the minimum measures required for facilities housing ICE detainees to implement to ensure consistent practices throughout its detention operations and the provision of medical care across the full spectrum of detention facilities to mitigate the spread of COVID-19. The ICE detention standards applicable to all facilities used to house ICE detainees have long required that each such facility have written plans that address the management of infectious and communicable diseases, including, but not limited to, testing, isolation, prevention, treatment, and education. Those requirements include reporting and collaboration with local or state health departments in accordance with state and local laws and recommendations.<sup>2</sup> The measures set forth in the PRR, allow ICE personnel and detention providers to properly discharge their obligations under those standards in light of the unique challenges posed by COVID-19.

## OBJECTIVES

The ERO PRR is designed to establish consistency across ICE detention facilities by establishing mandatory requirements and best practices all detention facilities housing ICE detainees are expected to follow during the COVID-19 pandemic. Consistent with ICE detention standards, all facilities housing ICE detainees are required to have a COVID-19 mitigation plan that meets the following four objectives:

- To protect employees, contractors, detainees, visitors to the facility, and stakeholders from exposure to the virus;
- To maintain essential functions and services at the facility throughout the pendency of the pandemic;
- To reduce movement and limit interaction of detainees with others outside their assigned housing units, as well as staff and others, and to promote social distancing within housing units; and
- To establish means to monitor, cohort, quarantine, and isolate the sick from the well.<sup>3</sup>

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<sup>2</sup> See, e.g., Attachment B, ICE National Detention Standards 2019, Standard 4.3, Medical Care, at II.D.2 (p. 114), [https://www.ice.gov/doclib/detention-standards/2019/4\\_3.pdf](https://www.ice.gov/doclib/detention-standards/2019/4_3.pdf); Attachment C, 2011 ICE Performance-Based National Detention Standards (PBNDS), Revised 2016, Standard 4.3, Part V.C.1 (p. 261), <https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf>; Attachment D, 2008 ICE PBNDS, Standard 4-22, Medical Care, V.C.1 (pp. 5-6), [https://www.ice.gov/doclib/dro/detention-standards/pdf/medical\\_care.pdf](https://www.ice.gov/doclib/dro/detention-standards/pdf/medical_care.pdf).

<sup>3</sup> A *cohort* is a group of persons with a similar condition grouped or housed together for observation over a period of time. Isolation and quarantine are public health practices used to protect the public from exposure to individuals who have or may have a contagious disease. For purposes of this document, and as defined by the CDC, *quarantine* as the separation of a person or group of people reasonably believed to have been exposed to a communicable disease but not yet symptomatic, from others who have not been

## CONCEPT OF OPERATIONS

The ERO PRR is intended for use across ICE's entire detention network, applying to all facilities housing ICE detainees, including ICE-owned Service Processing Centers, facilities operated by private vendors, and facilities operated by local government agencies that have mixed populations of which ICE detainees comprise only a small fraction.

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### DEDICATED ICE DETENTION FACILITIES

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*All ICE dedicated detention facilities<sup>4</sup> must:*

- Comply with the provisions of their relevant ICE contract or service agreement.
- Comply with the ICE national detention standards applicable to the facility, generally the [Performance-Based National Detention Standards 2011](#) (PBNDs 2011).
- Comply with the CDC's [Interim Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities \(Attachment E\)](#).
- Follow ICE's March 27, 2020 Memorandum to Detention Wardens and Superintendents on COVID-19 Action Plan Revision 1, and subsequent updates (Attachment F).
- Report all confirmed and suspected COVID-19 cases to the local ERO Field Office Director (or designee), Field Medical Coordinator, and local health department immediately.
- Notify both the local ERO Field Office Director (or designee) and the Field Medical Coordinator as soon as practicable, but in no case more than 12 hours after identifying any detainee who meets the CDC's identified populations potentially being at higher-risk for serious illness from COVID-19, including:
  - People aged 65 and older
  - People of all ages with underlying medical conditions, particularly if not well controlled, including:
    - People with chronic lung disease or moderate to severe asthma
    - People who have serious heart conditions
    - People who are immunocompromised

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exposed, to prevent the possible spread of the communicable disease. For purposes of this document, and as defined by the CDC, *isolation* as the separation of a person or group of people known or reasonably believed to be infected with a communicable disease and potentially infectious from others to prevent the spread of the communicable disease.

<sup>4</sup> Dedicated detention facilities are facilities that house only ICE detainees. Dedicated facilities may be ICE-owned Service Processing Centers, privately owned Contract Detention Facilities, or facilities operated by state or local governments that hold no other detention populations except ICE detainees.

- Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

Notification shall be made via e-mail from the facility's Health Services Administrator (HSA) (or equivalent) and contain the following subject line for ease of identification: "Notification of COVID-19 High Risk Detainee (A-Number)." At a minimum the HSA will provide the following information:

- Detainee name
- Detention location
- Current medical issues as well as medications currently prescribed
- Facility medical Point of Contact (POC) and phone number

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#### NON-DEDICATED ICE DETENTION FACILITIES

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*All non-dedicated detention facilities and local jails housing ICE detainees must:*

- Comply with the provisions of their relevant ICE contract or service agreement.
- Comply with the ICE national detention standards applicable to the facility, generally [PBNDS 2011](#).
- Comply with the [CDC Interim Guidance on Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities](#).
- Report all confirmed and suspected COVID-19 cases to the local ERO Field Office Director (or designee), Field Medical Coordinator, and local health department immediately.
- Notify both the ERO Field Office Director (or designee) and Field Medical Coordinator as soon as practicable, but in no case more than 12 hours after identifying any detainee who meets the CDC's identified populations potentially being at higher-risk for serious illness from COVID-19, including:
  - People aged 65 and older
  - People of all ages with underlying medical conditions, particularly if not well controlled, including:
    - People with chronic lung disease or moderate to severe asthma
    - People who have serious heart conditions
    - People who are immunocompromised

- Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

Notification should be made via e-mail from the facility's HSA (or equivalent) and should contain the following subject line for ease of identification: "Notification of COVID-19 High Risk Detainee (A-Number)." Other standardized means of communicating this information to ICE are acceptable. At a minimum the HSA will provide the following information:

- Detainee name
- Detention location
- Current medical issues as well as medications currently prescribed
- Facility medical POC and phone number

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#### ALL FACILITIES HOUSING ICE DETAINEES

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*In addition to the specific measures listed above, all detention facilities housing ICE detainees must also comply with the following:*

#### **PREPAREDNESS**

Administrators can plan and prepare for COVID-19 by ensuring that all persons in the facility know the symptoms of COVID-19 and how to respond if they develop symptoms. Other essential actions include developing contingency plans for reduced workforces due to absences, coordinating with public health and correctional partners, and communicating clearly with staff and detainees about these preparations and how they may temporarily alter daily life.

#### **➤ Develop information-sharing systems with partners.**

- Identify points of contact in relevant state, local, tribal, and/or territorial public health department before cases develop.
- Communicate with other correctional and detention facilities in the same geographic area to share information including disease surveillance and absenteeism patterns among staff.

#### **➤ Review existing pandemic, influenza, all-hazards, and disaster plans, and revise for COVID-19, and ensure that they meet the requirements of ICE's detention standards.**



- **Offer the seasonal influenza vaccine to all detained persons (existing populations and new intakes) and staff throughout the influenza season, where possible.**

- **Staffing**

- Review sick leave policies to ensure that staff can stay home when sick and determine which officials will have the authority to send symptomatic staff home. Staff who report for work with symptoms of COVID-19 must be sent home and advised to follow CDC-recommended steps for persons exhibiting COVID-19 symptoms.
- Staff who test positive for COVID-19 must inform their workplace and personal contacts immediately. If a staff member has a confirmed COVID-19 infection, the relevant employers will inform other staff of their possible exposure to COVID-19 in the workplace consistent with any legal limitations on the sharing of such information. Exposed employees must then self-monitor for symptoms (i.e., fever, cough, or shortness of breath).
- Identify staff whose duties would allow them to work from home and allow them to work from home in order to promote social distancing and further reduce the risk of COVID-19 transmission.
- Determine minimum levels of staff in all categories required for the facility to function safely.
- Follow the Public Health Recommendations for Community-Related Exposure.<sup>5</sup>

- **Supplies**

- Ensure that sufficient stocks of hygiene supplies (soap, hand sanitizer, tissues), personal protective equipment (PPE) (to include facemasks, N95 respirators, eye protection, disposable medical gloves, and disposable gowns/one-piece coveralls), and medical supplies (consistent with the healthcare capabilities of the facility) are on hand, and have a plan in place to restock as needed if COVID-19 transmission occurs within the facility.
- Note that shortages of N95 respirators are anticipated during the COVID-19 response. Based on local and regional situational analysis of PPE supplies, face masks should be used when the supply chain of N95 respirators cannot meet the demand.
- Follow COVID-19: Strategies for Optimizing the Supply of PPE.<sup>6</sup>
- Soiled PPE items should be disposed in leak-proof plastic bags that are tied at the top and not re-opened. Bags can be disposed of in the regular solid waste stream.

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<sup>5</sup> Attachment G, Centers of Disease Control and Prevention, *Public Health Recommendations for Community-Related Exposure*, <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html> (last visited Apr. 9, 2020).

<sup>6</sup> Attachment H, Centers for Disease Control and Prevention, *Strategies to Optimize the Supply of PPE and Equipment*, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/> (last visited Apr. 9, 2020).

- Cloth face coverings should be worn by detainees and staff (when PPE supply is limited) to help slow the spread of COVID-19. Cloth face masks should:
  - fit snugly but comfortably against the side of the face
  - be secured with ties or ear loops where possible or securely tied
  - include multiple layers of fabric
  - allow for breathing without restriction
  - be able to be laundered and machine dried without damage or change to shape.

### ➤ **Hygiene**

- Reinforce healthy hygiene practices and provide and restock hygiene supplies throughout the facility, including in bathrooms, food preparation and dining areas, intake areas, visitor entries and exits, visitation rooms, common areas, medical, and staff-restricted areas (e.g., break rooms).
- Require all persons within the facility to cover their mouth and nose with their elbow (or ideally with a tissue) rather than with their hand when they cough or sneeze, and to throw all tissues in the trash immediately after use. Provide detainees and staff no-cost access to tissues and no-touch receptacles for disposal.
- Require all persons within the facility to maintain good hand hygiene by regularly washing their hands with soap and water for at least 20 seconds, especially after coughing, sneezing, or blowing their nose; after using the bathroom; before eating or preparing food; before taking medication; and after touching garbage.
- Provide detainees and staff no-cost, unlimited access to supplies for hand cleansing, including liquid soap, running water, hand drying machines or disposable paper towels, and no-touch trash receptacles.
- Provide alcohol-based hand sanitizer with at least 60% alcohol where permissible based on security restrictions.
- Require all persons within the facility to avoid touching their eyes, nose, or mouth without cleaning their hands first.
- Post signage throughout the facility reminding detained persons and staff to practice good hand hygiene and cough etiquette (printable materials for community-based settings can be found on the [CDC website](#)). Signage must be in English and Spanish, as well as any other common languages for the detainee population at the facility.
- Prohibit sharing of eating utensils, dishes, and cups.
- Prohibit non-essential personal contact such as handshakes, hugs, and high-fives.

### ➤ **Cleaning/Disinfecting Practices**

- Adhere to CDC recommendations for cleaning and disinfection during the COVID-19 response.<sup>7</sup>
- Several times a day using household cleaners and Environmental Protection Agency-registered disinfectants, clean and disinfect surfaces and objects that are frequently touched, especially in common areas (e.g., doorknobs, light switches, sink handles, countertops, toilets, toilet handles, recreation equipment). The Environmental Protection Agency's (EPA) list of certified cleaning products is located [here](#).
- Staff should clean shared equipment several times per day and on a conclusion of use basis (e.g., radios, service weapons, keys, handcuffs).
- Ensure that transport vehicles are thoroughly cleaned after carrying a confirmed or suspected COVID-19 case.
- Facility leadership will ensure that there is adequate oversight and supervision of all individuals responsible for cleaning and disinfecting these areas.

### **CDC Recommended Cleaning Tips**

#### **Hard (Non-porous) Surfaces**

- If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.
- For disinfection, most common EPA-registered household disinfectants should be effective.
  - A list of products that are EPA-approved for use against the virus that causes COVID-19 is available [here](#). Follow the manufacturer's instructions for all cleaning and disinfection products for concentration, application method and contact time, etc.
  - Additionally, diluted household bleach solutions (at least 1000ppm sodium hypochlorite) can be used if appropriate for the surface. Follow manufacturer's instructions for application, ensuring a contact time of at least 1 minute, and allowing proper ventilation during and after application. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted.
    - Prepare a bleach solution by mixing:
      - 5 tablespoons (1/3 cup) bleach per gallon of water or
      - 4 teaspoons bleach per quart of water

#### **Soft (Porous) Surfaces**

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<sup>7</sup> Attachment I, Centers for Disease Control and Prevention, *Cleaning and Disinfection for Community Facilities*, <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html> (last visited Apr. 9, 2020).

- For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:
  - If the items can be laundered, launder items in accordance with the manufacturer's instructions using the warmest appropriate water setting for the items and then dry items completely.
  - Otherwise, use products that are EPA-approved for use against the virus that causes COVID-19 and that are suitable for porous surfaces.<sup>8</sup>

## **Electronics**

- For electronics such as tablets, touch screens, keyboards, remote controls, and ATM machines, remove visible contamination if present.
  - Follow the manufacturer's instructions for all cleaning and disinfection products.
  - Consider use of wipeable covers for electronics.
  - If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 70% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.

## **Linens, Clothing, and Other Items That Go in the Laundry**

- In order to minimize the possibility of dispersing virus through the air, do not shake dirty laundry.
- Wash items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry that has been in contact with an ill person can be washed with other people's items.
- Clean and disinfect hampers or other carts for transporting laundry according to guidance above for hard or soft surfaces.

## **PREVENTION**

Detention facilities can prevent introduction of COVID-19 from the community and reduce transmission if it is already inside by reinforcing good hygiene practices among incarcerated/detained persons, staff, and visitors (including increasing access to soap and paper towels), intensifying cleaning/disinfection practices, and implementing social distancing strategies.

Because many individuals infected with COVID-19 do not display symptoms, the virus could be present in facilities before cases are identified. Both good hygiene practices and social distancing are critical in preventing further transmission.

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<sup>8</sup> Attachment J, U.S. Environmental Protection Agency, *List N: Disinfectants for Use Against SARS-CoV-2*, <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2> (last visited Apr. 9, 2020).

➤ **Perform pre-intake screening for all staff and new entrants for symptoms of COVID-19.**

Screening should take place before staff and new intakes enter the facility or just inside the facility, where practicable. For new admissions, this should occur before beginning the intake process, in order to identify and immediately isolate any detainee with symptoms before the individual comes in contact with others or is placed in the general population. This should include temperature screening of all staff and new entrants, as well as a verbal symptoms check.

- Verbal screening for symptoms of COVID-19 and contact with COVID-19 cases should include the following questions based on [Interim Guidance: Managing COVID-19 in Correctional/Detention Facilities](#):
  - Today or in the past 24 hours, have you had any of the following symptoms?
    - Fever, felt feverish, or had chills?
    - Cough?
    - Difficulty breathing?
  - In the past 14 days, have you had contact with a person known to be infected with COVID-19 where you were not wearing the recommended proper PPE?
- If staff have symptoms of COVID-19 (fever, cough, shortness of breath): they must be denied access to the facility.
- If any new intake has symptoms of COVID-19:
  - Require the individual to wear a face mask.
  - Ensure that staff interacting with the symptomatic individual wears recommended PPE.
  - Isolate the individual and refer to healthcare staff for further evaluation.
  - Facilities without onsite healthcare staff should contact their state, local, tribal, and/or territorial health department to coordinate effective isolation and necessary medical care.
- If an individual is a close contact of a known COVID-19 case or has traveled to an affected area (but has no COVID-19 symptoms), quarantine the individual and monitor for symptoms two times per day for 14 days.

➤ **Visitation**

- During suspended (social) or modified (legal) visitation programs, provide access to virtual visitation options where available. When not possible, verbally screen all visitors on entry for symptoms of COVID-19 and perform temperature checks, when possible. ICE continues to explore opportunities to enhance attorney access while legal visits are being impacted. For facilities at which immigration hearings are conducted or where detainees are otherwise held who have cases pending immigration proceedings, this may include:

- Adding all immigration attorneys of record to the Talton Pro-bono platform.
  - Requiring facilities to establish a process for detainees/immigration attorneys to schedule appointments and facilitate the calls.
  - Leveraging technology (e.g., tablets, smartphones) to facilitate attorney/client communication.
  - Working with the various detention contractors and telephone service providers to ensure that all detainees receive some number of free calls per week.
  - Communicate with the public about any changes to facility operations, including visitation programs. Facilities are encouraged to prohibit or, at a minimum, significantly adopt restricted visitation programs, and to suspend all volunteer work assignments for detainees assigned to food service, and other assignments where applicable.
- **Where possible, restrict transfers of detained non-ICE populations to and from other jurisdictions and facilities unless necessary for medical evaluation, isolation/quarantine, clinical care, or extenuating security concerns.**
- **Consider suspending work release programs for inmates at shared facilities to reduce overall risk of introduction and transmission of COVID-19 into the facility.**
- **When feasible and consistent with security priorities, encourage staff to maintain a distance greater than six feet from an individual that appears feverish or ill and/or with respiratory symptoms while interviewing, escorting, or interacting in other ways, unless wearing PPE.**
- **Additional Measures to Facilitate Social Distancing**
- Although strict social distancing may not be possible in congregate settings such as detention facilities, all facilities housing ICE detainees should implement the following measures to the extent practicable:
    - Efforts should be made to reduce the population to approximately 75% of capacity.
    - Where detainee populations are such that such cells are available, to the extent possible, house detainees in individual rooms.
    - Recommend that detainees sharing sleeping quarters sleep “head-to-foot.”
    - Extend recreation, law library, and meal hours and stagger detainee access to the same in order to limit the number of interactions between detainees from other housing units.
    - Staff and detainees should be directed to avoid congregating in groups of 10 or more, employing social distancing strategies at all times.

- Whenever possible, all staff and detainees should maintain a distance of six feet from one another.
- If practicable, beds in housing units should be rearranged to allow for sufficient separation during sleeping hours.

## **MANAGEMENT**

If there has been a suspected COVID-19 case inside the facility (among incarcerated/detained persons, staff, or visitors who have recently been inside), begin implementing Management strategies while test results are pending. Essential Management strategies include placing cases and individuals with symptoms under medical isolation, quarantining their close contacts, and facilitating necessary medical care, while observing relevant infection control and environmental disinfection protocols and wearing recommended PPE.

### *ICE Custody Review for Potentially High-Risk Detainees*

Upon being informed of a detainee who may potentially be at higher risk for serious illness from exposure to COVID-19, ERO will review the case to determine whether continued detention is appropriate.<sup>9</sup> ICE will make such custody determinations on a case-by-case basis, pursuant to the applicable legal standards, with due consideration of the public health considerations implicated.

- **Considerable effort should be made to quarantine all new entrants for 14 days before they enter the general population.**
  - To do this, facilities should consider cohorting daily intakes; two days of new intakes, or multiple days on new intakes, in designated areas prior to placement into the general population. Given the significant variance in facility attributes and characteristics, cohorting options and capabilities will differ across the various detention facilities housing ICE detainees. ICE encourages all facilities to adopt the most effective cohorting methods practicable based on the individual facility characteristics taking into account the number new intakes anticipated per day.
- **For suspected or confirmed COVID-19 cases:**
  - Isolate the individual immediately in a separate environment from other individuals. Facilities should make every possible effort to isolate persons individually. Each isolated individual should be assigned his or her own housing space and bathroom where possible. Cohorting should only be practiced if there are no other available options. Only individuals who are laboratory-confirmed COVID-19 cases should be isolated as a cohort. Do not cohort confirmed cases with suspected cases or case contacts.
  - Ensure that the individual is always wearing a face mask (if it does not restrict breathing) when outside of the isolation space, and whenever another individual

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<sup>9</sup> Attachment K, Assistant Director Peter Berg, Enforcement and Removal Operations, *Updated Guidance: COVID-19 Detained Docket Review* (Apr. 4, 2020).

enters the isolation room. Masks should be changed at least daily, and when visibly soiled or wet.

- If the number of confirmed cases exceeds the number of individual isolation spaces available in the facility, then ICE must be promptly notified so that transfer to other facilities, transfers to hospitals, or release can be coordinated immediately. Until such time as transfer or release is arranged, the facility must be especially mindful of cases that are at higher risk of severe illness from COVID-19. Ideally, ill detainees should not be cohorted with other infected individuals. If cohorting of ill detainees is unavoidable, make all possible accommodations until transfer occurs to prevent transmission of other infectious diseases to the higher-risk individual (For example, allocate more space for a higher-risk individual within a shared isolation room).
- Review the CDC's preferred method of medically isolating COVID-19 cases here depending on the space available in a particular facility. In order of preference, individuals under medical isolation should be housed:
  - Separately, in single cells with solid walls (i.e., not bars) and solid doors that close fully.
  - Separately, in single cells with solid walls but without solid doors.
  - As a cohort, in a large, well-ventilated cell with solid walls and a solid door that closes fully. Employ social distancing strategies related to housing in the Prevention section above.
  - As a cohort, in a large, well-ventilated cell with solid walls but without a solid door. Employ social distancing strategies related to housing in the Prevention section above.
  - As a cohort, in single cells without solid walls or solid doors (i.e., cells enclosed entirely with bars), preferably with an empty cell between occupied cells. (Although individuals are in single cells in this scenario, the airflow between cells essentially makes it a cohort arrangement in the context of COVID-19.)
  - As a cohort, in multi-person cells without solid walls or solid doors (i.e., cells enclosed entirely with bars), preferably with an empty cell between occupied cells. Employ social distancing strategies related to housing in the Prevention section above.
- Maintain isolation until all the CDC criteria have been met:
  - The individual has been free from fever for 72 hours without the use of fever-reducing medications.
  - The individual's other symptoms have improved (e.g., cough, shortness of breath).
  - The individual has tested negative in at least two consecutive respiratory specimens collected at least 24 hours apart.



- At least 7 days have passed since the date of the individual's first positive COVID-19 test and he or she has had no subsequent illness.
- Meals should be provided to COVID-19 cases in their isolation rooms. Isolated cases should throw disposable food service items in the trash in their isolation room. Non-disposable food service items should be handled with gloves and washed with hot water or in a dishwasher. Individuals handling used food service items must clean their hands after removing gloves.
- Laundry from a COVID-19 case can be washed with other individuals' laundry.
  - Individuals handling laundry from COVID-19 cases should wear disposable gloves, discard gloves after each use, and clean their hands after handling.
  - Do not shake dirty laundry. This will minimize the possibility of dispersing the virus through the air.
  - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely.
  - Clean and disinfect clothes hampers according to guidance above for surfaces. If permissible, consider using a bag liner that is either disposable or can be laundered.

## ATTACHMENTS

ATTACHMENT LETTER	DOCUMENT NAME AND CITATION
A	U.S. Immigration and Customs Enforcement, <i>Updated ICE statement on COVID-19</i> (Mar. 18, 2020), <a href="https://www.ice.gov/news/releases/updated-ice-statement-covid-19">https://www.ice.gov/news/releases/updated-ice-statement-covid-19</a> .
B	ICE National Detention Standards 2019, Standard 4.3, Medical Care, <a href="https://www.ice.gov/doclib/detention-standards/2019/4_3.pdf">https://www.ice.gov/doclib/detention-standards/2019/4_3.pdf</a> .
C	2011 ICE Performance-Based National Detention Standards, Revised 2016, Standard 4.3, <a href="https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf">https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf</a> .
D	2008 ICE Performance-Based National Detention Standards, Standard 4-22, Medical Care, <a href="https://www.ice.gov/doclib/dro/detention-standards/pdf/medical_care.pdf">https://www.ice.gov/doclib/dro/detention-standards/pdf/medical_care.pdf</a> .
E	Centers of Disease Control and Prevention, <i>Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities</i> (Mar. 23, 2020), <a href="https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf">https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf</a> .
F	Memorandum from Executive Associate Director Enrique Lucero, Enforcement and Removal Operations, <i>Memorandum on Coronavirus 2019 (COVID-19) Action Plan, Revision 1</i> (Mar. 27, 2020).
G	Centers of Disease Control and Prevention, <i>Public Health Recommendations for Community-Related Exposure</i> , <a href="https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html">https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html</a> (last visited Apr. 9, 2020).
H	Centers for Disease Control and Prevention, <i>Strategies to Optimize the Supply of PPE and Equipment</i> , <a href="https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/">https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/</a> (last visited Apr. 9, 2020).
I	Centers for Disease Control and Prevention, <i>Cleaning and Disinfection for Community Facilities</i> , <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html">https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html</a> (last visited Apr. 9, 2020).

J	U.S. Environmental Protection Agency, <i>List N: Disinfectants for Use Against SARS-CoV-2</i> , <a href="https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2">https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2</a> (last visited Apr. 9, 2020).
K	Assistant Director Peter Berg, Enforcement and Removal Operations, <i>Updated Guidance: COVID-19 Detained Docket Review</i> (Apr. 4, 2020).